

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stephen D. Goble et al. Examiner: D. Margaret M. Seaman

Serial No.: 10/585,232 Case: 21539YP

Filing Date: June 30, 2006 Art Unit: 1625

For: ALKYLAMINO, ARYLAMINO, AND SULFONAMIDO CYCLOPENTYL AMIDE
MODULATORS OF CHEMOKINE RECEPTOR ACTIVITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

Sir:

In response to the Restriction Requirement that was mailed September 11, 2009, applicants make the following elections:

- Group 4, drawn to Compounds of Formula Ib or Ie wherein Z is C, is elected with traverse.
- The compound of Example 1 is elected as the species for examination.
- The claims reading on Group 4 are 1, 3, 6, 8-28, and 31-38.

The Restriction Requirement is traversed because the compounds claimed in this application do share a common core, which is defined by Formula I in claim 1. The Examiner cites a structure from a patent publication (RN464912-21-8) as an example of a CXC chemokine receptor antagonist that shares the same common core as the compounds in the instant application. There is no structural similarity between the compounds in this application and the compound cited by the examiner. The compounds in the cited reference do not have a cyclopentane ring, whereas the compounds in this application do contain a cyclopentane ring. Also, the compounds in this application do not contain a cyclobutanedione moiety, whereas the cited compound contains a cyclobutanedione moiety.

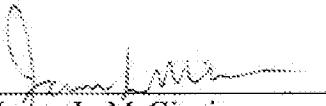
In summary, the cited reference does not prevent the claimed genus of compounds from having a unique and common core defined by Formula I.

This is believed to be a complete and timely response to the Restriction Requirement. No fee is believed to be due. If any fee is required, it may be charged to Merck & Co., Inc. Deposit Account No.: 13-2755.

If the Examiner has any questions regarding this response, she is invited to telephone the undersigned attorney at the telephone number below.

Respectfully submitted,

By


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Date: October 2, 2009